

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF WEST ST. PAUL

In the Matter of the Civil Penalty
Assessed Against:

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

**171 Thompson Ave #8
West St. Paul, MN**

Issued to:

Tasha Martin,

Respondent.

The above entitled matter came on for hearing before Administrative Law Judge Manuel J. Cervantes on Thursday, August 16, 2012, at 600 North Robert Street, St. Paul, Minnesota. The City of West St. Paul was represented by Sergeant John Hinderscheid and Crime Prevention Specialist Laura Vaughan. The Respondent was represented by X Self ☐ Attorney.

FINDINGS OF FACT

1. The Respondent has been issued the following charge(s) for which she received proper notice: Violation of West St. Paul City Code Section 955, Repeat Nuisance Fee.

2. On February 10, 2012, Tasha Martin was notified of nuisance activity (loud noise complaints) on her property that occurred on December 16, 2011, and January 15, 2012, informing her that a third violation in a 12-month period may result in the imposition of a nuisance service call fee. After a third incident that occurred on May 24, 2012, (911 hang-up-public nuisance), the city imposed a nuisance service call fee pursuant to City Code Section 955.00.

X After a hearing on this matter, the Administrative Law Judge adopts the facts as submitted by the City, as set forth in the allegations in the Notice and Order for Hearing issued on July 27, 2012.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The City and the Office of Administrative Hearings have subject matter jurisdiction pursuant to West St. Paul City Code § 120.13.
2. The City has complied with all relevant substantive and procedural requirements of Minnesota Statutes, rules and West St. Paul City Code.
3. The Respondent was given timely and proper notice of the hearing in this matter.
4. The City has demonstrated by a preponderance of evidence that Respondent X has ☐has not violated the alleged violation(s), to wit, West St. Paul City Code Section 955, Repeat Nuisance Fee.
5. The Administrative Law Judge has considered the duration, frequency of reoccurrence, seriousness, and history of the violation; Respondent's conduct after the issuance of the Notice and Order for Hearing and good faith efforts to comply; the impact of the violation on the community; the Respondent's record of prior City Code violation(s) and other factors appropriate to a just and fair result and;
6. An Order is in the public interest.

Based on the foregoing, the Administrative Law Judge makes the following:

ORDER

- X Respondent shall pay to the City of West St. Paul a civil penalty of \$151.00, plus costs of \$50.00 payable within 30 days of this Order.
- X The matter is dismissed.

NOTICE

Pursuant to West St. Paul City Code § 955 and Minn. Stat. ch. 14, this Order is the final decision in this case. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69.

Dated: August 16, 2012



MANUEL J. CERVANTES
Administrative Law Judge

Reported: Digitally Recorded